

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*

CRIMINAL DOCKET NO: 11-144

v.

*

SECTION: I

*

DERRICK JOHNSON

* * *

FACTUAL BASIS

If this case were to proceed to trial, the Government would prove the defendant, **DERRICK JOHNSON (JOHNSON)**, guilty beyond a reasonable doubt of counts 1 and 2 of the Indictment. **JOHNSON** is charged in count one with participating in a conspiracy to distribute and possess with the intent to distribute 500 grams or more of cocaine hydrochloride, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(B) and possession with the intent to distribute 500 grams or more of cocaine hydrochloride, in violation of Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(B). The Government would establish the following reliable and competent evidence to prove **JOHNSON's** guilt:

On March 30, 2011, a cooperating source (CS) contacted Federal Bureau of Investigation (FBI) Special Agent Eric Davis and advised him that he knew of an individual who was trying to retrieve a kilogram of cocaine hydrochloride (cocaine) that had been "fronted" for re-sale to the CS.

The supplier who gave the CS the cocaine for re-sale was identified as **JOHNSON** and the CS advised the FBI that he and **JOHNSON** discussed **JOHNSON's** returning to the CS's mother's residence in Lacombe, Louisiana to retrieve the hidden cocaine. The FBI then contacted the St. Tammany Parish Sheriff's Office (STPSO) to coordinate an investigation into **JOHNSON's** activities.

After the CS told the FBI about **JOHNSON** wanting to re-claim his cocaine, the CS made a monitored call on March 30, 2011 to **JOHNSON** wherein they were heard discussing "the situation" that **JOHNSON** was going to remedy. The CS told **JOHNSON** to travel to his mother's house in Lacombe while she is not there and they arranged to talk when **JOHNSON** was on his way so that the CS could direct him to the hidden cocaine.

After the monitored call, FBI agents and STPSO law enforcement officers went to the CS's mother's residence at 6204 Wood Street, Lacombe, Louisiana, and, as per the instructions given by the CS, located approximately one kilogram of cocaine hidden in the ceiling of a detached garage. A field test showed that the substance was in fact cocaine. The FBI agents replaced the cocaine and formulated an operational plan for a takedown of **JOHNSON** when he appeared to pick up the cocaine. Shortly thereafter, the CS contacted the St. Tammany Task Force officer working with the FBI, Detective Brian Danigole, to advise him that **JOHNSON** would making the drive to Lacombe the next day on March 31, 2011. The FBI took possession of the cocaine and waited until the next morning to put it back.

In the evening of March 30, 2011, **JOHNSON** contacted co-defendants JARVIS QUINN JACKSON and CLIFTON MATTHEW NICHOLSON about picking up the kilogram of cocaine. JACKSON and NICHOLSON were acquaintances from **JOHNSON's** neighborhood. **JOHNSON**

offered each of them \$500 if they would assist him with retrieving the kilogram of cocaine as **JOHNSON** was on parole and he did not want to physically retrieve and/or transport the cocaine. **JACKSON** and **NICHOLSON** understood that the agreement was to pick up cocaine when they then departed with **JOHNSON** in two separate vehicles on the morning of March 31, 2011 to Lacombe, Louisiana.

On the morning of March 31, 2011, FBI agents replaced the cocaine and waited to hear from the CS as to **JOHNSON's** whereabouts. At approximately 9:00 a.m, Detective Danigole received a call from the CS that **JOHNSON** was in Lacombe and looking for the residence located at 6204 Wood Street, Lacombe, Louisiana. FBI agents and STPSO law enforcement officers then positioned themselves along the single lane road and surrounding property to await **JOHNSON**.¹

At approximately 9:15 a.m., FBI agents and STPSO law enforcement officers observed two vehicles arrive at the target residence. One of the vehicles was a black Chevrolet Impala and the other was a white Chevrolet pickup truck. Both vehicles pulled up to the garage but then turned around. At that point, the CS contacted Detective Danigole and advised him that he was about to direct **JOHNSON** to the cocaine and he wanted to make sure all was in place. The CS was given the go ahead by Detective Danigole.

Within minutes of the call by the CS to Detective Danigole, the two vehicles pulled back up to the garage. **JOHNSON** and **JACKSON** exited the white pick up truck and entered the side garage door. During this time, **JOHNSON** called the CS and he directed **JOHNSON** to the hidden cocaine. Although the original plan was for **JACKSON** to retrieve the cocaine, **JOHNSON** proceeded to locate it in the garage because it was hidden and the CS gave specific instructions on where to find

¹ The CS's mother's house is in a fairly rural area surrounded by woods with limited access.

it. Minutes later, **JOHNSON** and the JACKSON emerged from the garage with **JOHNSON** carrying a white plastic bag that contained the kilogram of cocaine. **JOHNSON** walked over to the black Impala and gave it to NICHOLSON. NICHOLSON then placed the bag into the trunk. **JOHNSON** and JACKSON then got back into the white pickup truck and quickly accelerated down the roadway, past the FBI and STPSO arrest team. The arrest team knew that the truck was heading toward a dead end and moved in place to set up a perimeter. A short pursuit ended with the white pick up truck coming to a stop near a wooded area. As the FBI and STPSO arrest team approached the vehicle and identified themselves, **JOHNSON** jumped out of the white pick up truck and fled into the woods. The other occupant, JACKSON, remained in the vehicle and surrendered without incident.

Once the white pick up truck sped away, FBI agents and STPSO law enforcement officers quickly surrounded the black Impala and its driver, NICHOLSON. FBI Special Agent Eric Davis opened the trunk of the Impala and retrieved the white plastic bag containing the same kilogram of cocaine that the FBI had previously retrieved and field tested from the CS's mother's garage the day before.

After a lengthy search, **JOHNSON** was apprehended at 4:15 p.m. and positively identified.² **JOHNSON** was slightly injured during his encounter with the St. Tammany Parish canine unit and he was treated at the scene by St. Tammany Parish Firemen. He was arrested and then transported to Lacombe Heart Hospital for further treatment.

Upon arrival at the Slidell Police station, JACKSON stated that he wanted to speak to law enforcement officers alone. He was advised of his *Miranda* rights and voluntarily signed a standard

² The white Chevrolet pickup truck was registered in **JOHNSON's** name and his identification was also recovered after his arrest. **JOHNSON** was also photographically identified by FBI agent Eric Davis and by JACKSON.

STPSO Rights of Arrestee. JACKSON then verbally told Detective Danigole that he was asked by **JOHNSON** to take a ride to pick up a “bird.” Although JACKSON later denied knowing the purpose of the trip, a drug expert with the FBI would testify that a “bird” is a common street term for one kilogram of powdered cocaine. **JOHNSON** attests that when he described picking up a “bird” to JACKSON, both knew that this meant one kilogram of powdered cocaine.

On April 4, 2011, law enforcement officers visited the CS in the St. Tammany Parish jail and presented him with a six-person photographic lineup. He made an immediate and positive identification of **JOHNSON**. The CS confirmed that **JOHNSON** was the person the CS talked to about retrieving the kilogram of cocaine.

On April 13, 2011, a STPSO forensic scientist confirmed that the substance taken from the trunk of the Impala was in fact cocaine, a Schedule II narcotic drug controlled substance, with a net weight of 1,002.15 grams.

As set forth above, **JOHNSON** admits that he participated in a conspiracy to distribute and possess with the intent to distribute 500 grams or more of cocaine hydrochloride and acknowledges that the above-referenced conduct constitutes knowing violations of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(B).

APPROVED AND ACCEPTED:

DERRICK JOHNSON (date)
Defendant

EDWARD J. RIVERA (date)
Assistant United States Attorney

PETER “Q” JOHN (date)
Attorney for Defendant